

# Washington and London Make Mockery of International Law



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In oral arguments before the International Court of Justice (ICJ) in the Hague on January 11, the Republic of South Africa presented evidence aimed at halting the genocidal policy of the State of Israel against the Palestinian people in the Gaza Strip.

The following day Tel Aviv presented its rebuttal to the accusations brought before the Court by the African National Congress (ANC) government.

A lawyer for the State of Israel, who was a British national, claimed that the lawsuit brought by South Africa was flawed and that there was no evidence of genocide carried out against the people of Gaza. However, it is highly unlikely that a ruling party such as the ANC of South Africa would not understand the important issues embodied within the legal claim against the settler-colonial State of Israel.

People in South Africa were subjected to more than three centuries of white minority destabilization, theft, domination and economic exploitation. During the course of the colonization of the territory by the British and the Boers from the 17th through the late 20th century, the African people organized themselves to remove the yoke of national oppression.

It was under the tutelage of British imperialism that the colonization of Palestine took place during the 19th and 20th centuries. The British played a critical role as well in the advent of white minority rule in what became known as the Union of South Africa. This settler-colonial model was not confined to the continental regions of Africa and Asia, the indigenous peoples of North and South America, the Pacific Islands, the Caribbean and Central America were severely impacted by the imperatives of imperialism to dominate the resources and labor of the majority of the world's population.

The Balfour Declaration issued by a British Foreign Secretary in 1917 in the midst of World War I was utilized partially to justify the creation of the Zionist state in 1948. This entity could not have been established or sustained without the support of the leading imperialist states including the United Kingdom and the U.S. Over the last 75 years the West Asia region has been marked by social turmoil, dislocation and continuing warfare as a result of the machinations of imperialism.

Since 1948, the Zionist state and its backers in Washington and on Wall Street have encouraged and facilitated the expansion of settler-colonialism in the region. This foreign policy is implemented through the generous financing of the military and security apparatuses of the State of Israel. Not only does the government in Tel Aviv occupy Palestinian territories the Zionist state has occupied the Golan Heights in Syria since 1967 and remains on lands in Southern Lebanon known as the Shebaa Farms, which Washington recognizes the authority of Tel Aviv over these stolen areas.

### **South Africa Challenges Supremacy of Zionist Impunity**

In its opening salvos against Tel Aviv the legal team of South Africa focused on the statistics accumulated by the Palestinian Health Ministry, the World Health Organization (WHO) and other humanitarian agencies illustrating clearly the negative impact of the bombing and land invasion by the Israeli Defense Forces (IDF) on the indigenous people in Gaza. Since October 7, at the time of the opening arguments in the Hague, more than 23,000 people had been killed in Gaza.

In addition to the deaths and injuries, public institutions, hospitals, schools, universities, mosques, churches and neighborhoods have been destroyed as a direct result of IDF military actions. The administration of President Joe Biden has continued to send thousands of tons of weapons to the IDF so they can intensify the genocidal onslaught in Gaza. Therefore, the entire population of the Gaza Strip, approximately 3.2 million, remains imperiled.

In the complaint advanced by lawyers for the South African government, Al Mayadeen emphasized:

“Advocate Adila Hassim who opened the arguments said, ‘South Africa contends that Israel has transgressed Article II of the (Geneva) Convention, by committing actions that fall within the definition of acts of genocide. The actions show a systematic pattern of conduct from which genocide can be inferred. Hassim outlined the extent of death and destruction inflicted by the Israeli army upon the Palestinian population. ‘For the past 96 days, Israel has subjected Gaza to what has been described as one of the heaviest conventional bombing campaigns in the history of modern warfare.

Palestinians in Gaza are being killed by Israeli weaponry and bombs from air, land and sea, Hassim said.”

These are facts which cannot be justified under the guise of self-defense. Israel can in no way claim that it is defending itself when its action has been aggressive not just since October 7, the settler-colonial state has remained racist entity since its founding in 1948. Leading figures in the Palestinian national liberation struggle are still being assassinated by the security forces in Israel and its ally in the U.S.

Moreover, the occupiers and aggressors cannot be placed morally or politically on the same level as the oppressed suffering from forced removals, detentions and high rates of injuries and deaths. The siege under way will only worsen the situation prevailing among people living in Gaza, already considered the largest open-air prison in the world.

Al Mayadeen points out in the same previously quoted report that:

“Vusi Madonsela, Ambassador Extraordinary and Plenipotentiary of South Africa to the Kingdom of the Netherlands, concluded South Africa’s submission by saying that: ‘In our application, South Africa has recognized the ongoing Nakba of the Palestinian people through Israel’s colonization since 1948, which has systematically and forcibly dispossessed, displaced, and fragmented the Palestinian people, deliberately denying them their internationally recognized, inalienable right to self-determination, and their internationally recognized right of return as refugees to their towns and villages, in what is now the State of Israel.’”

Not only does the South African complaint at the ICJ against the State of Israel lay out an indictment of the settler-colonialists based upon the actual history of Palestine. The lawsuit makes a series of demands designed to provide immediate relief to the plight of the people negatively impacted by the settler-colonial system.

Like South Africa under the apartheid regime up until 1994 when the ANC under former President Nelson Mandela came to power, the entire system of governance is based upon racism, national oppression and institutional racism. The similarity in the historical trajectory between apartheid and modern-day Zionism provides a clear understanding

of why a democratic South Africa has taken the plight of the Palestinians to the World Court.

Al Mayadeen goes on to note as it relates to the claim filed against Israel:

“He went on to list the measures requested by South Africa, which included, inter alia:

- the immediate suspension of Israel’s military operations in and against Gaza;
- that any military or irregular armed units take no steps in furthering the military operations referred to before;
- both South Africa and Israel to take reasonable measures within their power to prevent genocide;
- as well as Israel being requested to submit a report to the Court on all measures taken to give effect “to this Order within one week, as from date of this Order, and thereafter at such regular intervals as the Court shall order, until a final decision on the case is rendered by the Court, and that such reports shall be published by the Court.

They are also at immediate risk of death by starvation, dehydration and disease as a result of the ongoing siege by Israel, the destruction of Palestinian towns, the insufficient aid being allowed through to the Palestinian population, and the impossibility of distributing this limited aid while bombs fall. This conduct renders essentials to life unobtainable.

Hassim referred to Israel’s first evacuation order on October 13, which required the evacuation of over 1 million people including children, elderly, wounded and infirm.

She said, ‘Entire hospitals were required to evacuate, even newborn babies in intensive care. The order required them to evacuate the north to the south within 24 hours. The order itself was genocidal. It required immediate movement, taking only what could be carried while no humanitarian assistance was permitted... It was clearly calculated to bring about the deliberate destruction of the population.’”

## **Yemen Bombing Unjustified Under International Law**

Russia and China, two permanent members of the UN Security Council, have condemned the bombing of Yemen by Washington and London. The rationale for this military assault by imperialism is to suggest that the U.S. and UK are attempting to keep trade routes open for international participation.

Nonetheless, the horrors of genocide supersede the flow of global commerce. The Yemen Ansar Allah Movement is justified in taking actions in response to the slaughter of Palestinians on a daily basis in the Gaza Strip.

Rather than join the governments of South Africa and Yemen by expressing solidarity with the Palestinians, the U.S. and Britain are in fact enabling the mass dislocation, injury, underdevelopment and murder of an oppressed people. This is the reasoning behind the attacks on Yemen. As imperialist states both countries want to maintain the status quo by ensuring the continuing containment, expulsion and eventual elimination of the Palestinians.

The legal action taken by South Africa is a reflection of the sentiments of the millions of people around the world who have rallied and marched in solidarity with Palestine since October 7. It will be these social forces which will undoubtedly determine the actual outcome of the struggle for justice and independence in Palestine.

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